

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**NICOLE ZUNIGA,**  
*Plaintiff,*

**VS.**

**JOHNNY L. EDSON, TRUCKMOVERS  
INTERNATIONAL, INC.,  
TRUCKMOVERS.COM, INC.,  
DEALER'S CHOICE TRUCKAWAY  
SYSTEM, INC., INDIVIDUALLY AND  
DBA TRUCKMOVERS AND  
TRUCKMOVERS, INDIVIDUALLY,  
*Defendants.***

**CIVIL CASE NO. 5:22-CV-00440**

## JURY REQUESTED

## INDEX OF STATE COURT PAPERS

1. Plaintiff's Original Petition and Jury Demand
2. Plaintiff's First Amended Original Petition and Jury Demand
3. Return of Service – Dealer's Choice Truckaway System, Inc., Individually and dba Truckmovers
4. Return of Service – Truckmovers
5. Return of Service – Truckmovers.com, Inc.
6. Defendants' Original Answer
7. Notice of Hearing on Defendants' Special Exceptions
8. Amended Notice of Hearing on Defendants' Special Exceptions
9. Texas Transportation Commission Chairman's Certificate
10. Return of Service – Johnny L. Edson
11. Plaintiff's Second Amended Original Petition and Jury Demand
12. Defendant, Johnny L. Edson's Original Answer

**407th District Court**

**Case Summary**

**Case No. 2021CI17775**

**Nicole Zuniga VS Johnny L Edson ET AL**    § Location  
   § **407th District Court**  
   § Judicial Officer  
   § **407th, District Court**  
   § Filed on  
   § **08/27/2021**

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**Case Information**

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Case Type: **MOTOR VEHICLE  
ACCIDENT**

Case Status: **08/27/2021 Pending**

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**Assignment Information**

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**Current Case Assignment**

Case Number    2021CI17775  
Court             407th District Court  
Date Assigned   08/27/2021  
Judicial Officer 407th, District Court

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**Party Information**

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*Lead Attorneys*

**Plaintiff     Zuniga, Nicole**

**KARAM JR, AIZAR J  
Retained**

**Defendant   DEALER'S CHOICE TRUCKAWAY SYSTEM INC**

**KEMBLE, BENJAMIN G  
Retained**

**Edson, Johnny L**

**KEMBLE, BENJAMIN G  
Retained**

**TRUCKMOVERS**

**KEMBLE, BENJAMIN G**  
*Retained*

**Truckmovers International, inc.**

**KEMBLE, BENJAMIN G**  
*Retained*

**TRUCKMOVERS.COM INC**

**KEMBLE, BENJAMIN G**  
*Retained*

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Events and Orders of the Court

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08/27/2021 New Cases Filed (OCA)

08/27/2021 PETITION

09/08/2021 **Citation**  
Edson, Johnny L  
Served: 04/05/2022  
Truckmovers International, inc.  
Unserved

01/10/2022 FIRST AMENDED PETITION

01/14/2022 **Citation**  
TRUCKMOVERS.COM INC  
Served: 02/09/2022  
DEALER'S CHOICE TRUCKAWAY SYSTEM INC  
Served: 02/09/2022  
TRUCKMOVERS  
Served: 02/09/2022

02/23/2022 RETURN OF SERVICE - SUCCESSFUL  
*TRUCKMOVERS.COM INC*

02/23/2022  
RETURN OF SERVICE - SUCCESSFUL  
*DEALER'S CHOICE TRUCKAWAY SYSTEM INC INDIVIDUALLY AND DBA TRUCKMOVERS*

02/23/2022 RETURN OF SERVICE - SUCCESSFUL  
*TRUCKMOVERS*

03/04/2022  
ORIGINAL ANSWER OF  
*TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., Individually and DBA TRUCKMOVERS and TRUCKMOVERS*

03/11/2022 NOTICE OF HEARING  
*ON Special Exceptions*

03/14/2022 NOTICE OF HEARING  
*ON Special Exceptions*

03/23/2022 **SETTING ON SPECIAL EXCEPTIONS** (8:30 AM)  
03/17/2022 Reset by Court to 03/23/2022

03/29/2022 CERTIFICATE OF  
*J Bruce Bugg Jr, Texas Transportation Commission Chairman*

04/07/2022 RETURN OF SERVICE - SUCCESSFUL  
*JOHNNY LEDSON*

04/07/2022 SECOND AMENDED PETITION  
*Original*

04/27/2022 ORIGINAL ANSWER OF  
*JOHNNY L EDSON*

# EXHIBIT 1

2021CI17775

CAUSE NO.:

NICOLE ZUNIGA	§	IN THE DISTRICT COURT
	§	
	§	
	§	Bexar County - 407th District Court
vs.	§	_____ JUDICIAL DISTRICT
	§	
JOHNNY L. EDSON AND	§	
TRUCKMOVERS INTERNATIONAL, INC.	§	BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, NICOLE ZUNIGA, Plaintiff in the above-entitled and numbered cause, complaining of and against JOHNNY L. EDSON and TRUCKMOVERS INTERNATIONAL, INC., Defendants herein, and for cause of action would respectfully show unto the Court the following:

**I. DISCOVERY PLAN**

Discovery is intended to be conducted under Level 3 of the Texas Rules of Civil Procedure 190.

**II. PARTIES**

Plaintiff Nicole Zuniga is an individual who resides in Bexar County, Texas.

Defendant Johnny L. Edson is an individual who resides in Muskogee County, Oklahoma and can be served at 2325 Boston, Muskogee, OK 74401 or wherever he may be found.

Defendant Truckmovers International, Inc. is a company doing business in the State of Texas and can be served by serving their registered agent, L. Thomas Duvall, 15617 US Highway N 83, Laredo, Texas 78045.

### **III. VENUE**

Plaintiffs would show the Court that venue over this proceeding is proper in Bexar County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code Ann. Section 15.002(1) because all or a substantial part of the events giving rise to the claim occurred in Bexar County, Texas.

### **IV. BACKGROUND FACTS**

On or about January 16, 2020, Plaintiff was traveling northbound on Interstate Highway 35 near Walzem Road when traffic came to a stop. Defendant Johnny L. Edson was also traveling northbound on Interstate Highway 35 directly behind Plaintiff. Defendant failed to control his speed and violently struck Plaintiff's vehicle sending her vehicle forward crashing into the vehicle in front of her. As a result of the collision, Plaintiff sustained severe injuries and suffered damages.

### **V. CAUSES OF ACTION**

Defendant Truckmovers International, Inc. is vicariously liable for the conduct of its driver, Defendant Johnny L. Edson, under the doctrine of agency and/or respondeat superior because at the time of the subject collision, the tractor driver was in the course and scope of his employment with Defendant Truckmovers International, Inc., and/or under the theory of non-delegable duty because said tractor driver was an employee, either by contract or as a matter of law, pursuant to the Federal Motor Vehicle Safety Regulations (FMCSR) and the Texas equivalent, and for whose conduct Defendant Truckmovers International, Inc. is responsible.

Furthermore, Defendant Truckmovers International, Inc. was negligent because it entrusted its tractor to its driver when it knew, or in the exercise of due care, should have known, that the tractor driver was an incompetent and/or unfit driver, thus creating an

unreasonable risk of danger to persons and properties on the public streets and highways of Texas.

Furthermore, Defendant Truckmovers International, Inc. was negligent because it hired, and/or retained its driver when it knew, or in the exercise of due care, should have known that its driver was an incompetent and unfit driver. In this regard this defendant failed to properly vet and train this driver prior to placing him behind the wheel of one of its vehicles.

Furthermore, Defendant Truckmovers International, Inc. was negligent because it failed to adequately, and/or properly train, supervise, and/or monitor its driver.

Defendant Truckmovers International, Inc. as the holder of a U.S. DOT number and an authorization to operate its vehicles under the authority of federal and state law, is subject to the rules and regulations imposed by federal law and the laws of the state of Texas which govern the operation of commercial vehicles, including the vehicle being operated on the occasion of the crash which injured Plaintiff. As the holder of a commercial drivers' license (CDL), Defendants were subject to the rules and requirements imposed by federal and state law which place a higher burden of care on holders of CDLs. Defendants were in violation of federal and state laws which govern the operation of commercial vehicles.

Each of the aforementioned acts or omissions of Defendant Truckmovers International, Inc. constituted a proximate cause of the collision and of the resulting damages and injuries to Plaintiff.



Defendant Johnny L. Edson, on the occasion in question, was negligent or negligent per se in that he operated the subject tractor in a manner for which damages and injuries to Plaintiff were foreseeable. Specifically, this Defendant:

- a. failed to control his speed;
- b. failed to keep a proper lookout;
- c. failed to timely apply his brakes; and
- d. failed to maintain proper control of his vehicle; failed to turn his vehicle to avoid the collision.

Defendant's breach of duty proximately caused injury to Plaintiff, which resulted in Plaintiff's damages as set out below.

#### **VI. CONTRIBUTORY NEGLIGENCE**

Plaintiff would show that nothing that she did, or failed to do, in any way contributed to this collision.

#### **VII. DAMAGES**

As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff was caused to suffer personal injuries. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff has incurred the following damages:

1. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services;
2. Reasonable and necessary medical care and expenses, which will in all reasonable probability be incurred in the future;
3. Physical pain and suffering in the past;

4. Physical pain and suffering in the future;
5. Mental anguish in the past;
6. Mental anguish in the future;
7. Physical impairment in the past and future;
8. Loss of use;
9. Property damage; and
10. All other elements of damages that may be shown at the trial of this cause.

#### **VIII. REQUEST FOR JURY TRIAL**

Concurrent with the filing of this Original Petition, Plaintiff has applied for trial by jury and has tendered the appropriate jury fee required by TEX. R. CIV. P. 216.

#### **IX. PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays that Defendants be cited to appear and answer herein and that upon a final trial of this cause, Plaintiff recovers judgment against Defendants for Plaintiff's injuries and damages as set forth above; interest on said judgment at the highest legal rate from date of judgment; pre-judgment interest on Plaintiff's damages at the highest legal rate; and, such other and further relief, whether at law or in equity, to which Plaintiff may show herself justly entitled to receive.

Respectfully submitted,

**KARAM LAW FIRM**

By: 

Aizar J. Karam, Jr.  
State Bar No. 00796860  
1722 Pecan Avenue  
McAllen, Texas 78501  
Telephone: (956) 630-5700  
Facsimile: (956) 630-5702  
[akaram@karamlawfirm.com](mailto:akaram@karamlawfirm.com)  
**COUNSEL FOR PLAINTIFF**

# EXHIBIT 2

**CAUSE NO.: 2021CI17775**

<b>NICOLE ZUNIGA</b>	<b>§</b>	<b>IN THE DISTRICT COURT</b>
	<b>§</b>	
	<b>§</b>	
	<b>§</b>	
<b>vs.</b>	<b>§</b>	<b>407<sup>th</sup> JUDICIAL DISTRICT</b>
	<b>§</b>	
<b>JOHNNY L. EDSON,</b>	<b>§</b>	
<b>TRUCKMOVERS INTERNATIONAL, INC.,</b>	<b>§</b>	
<b>TRUCKMOVERS.COM, INC., DEALER'S</b>	<b>§</b>	
<b>CHOICE TRUCKAWAY SYSTEM, INC.,</b>	<b>§</b>	
<b>INDIVIDUALLY AND DBA TRUCKMOVERS</b>	<b>§</b>	
<b>AND TRUCKMOVERS, INDIVIDUALLY</b>	<b>§</b>	<b>BEXAR COUNTY, TEXAS</b>

**PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, NICOLE ZUNIGA, Plaintiff in the above-entitled and numbered cause, complaining of and against JOHNNY L. EDSON, TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS INDIVIDUALLY, Defendants herein, and for cause of action would respectfully show unto the Court the following:

**I. DISCOVERY PLAN**

Discovery is intended to be conducted under Level 3 of the Texas Rules of Civil Procedure 190.

**II. PARTIES**

Plaintiff Nicole Zuniga is an individual who resides in Bexar County, Texas.

Defendant Johnny L. Edson is an individual who resides in Muskogee County, Oklahoma

and can be served at 2325 Boston, Muskogee, OK 74401 or wherever he may be found. A citation has been issued herein and the Texas Department of Transportation has been provided with a copy (confirmed receipt) of Plaintiff's Original Petition for service of process.

Defendant Truckmovers International, Inc. is a company doing business in the State of Texas and can be served at their principal office in Texas by serving their registered agent, L. Thomas Duvall, 15617 US Highway N 83, Laredo, Texas 78045. A citation has been issued herein and service of process has been initiated.

Defendant Truckmovers.Com, Inc. is a company doing business in the State of Texas with its principal office in the State of Missouri, and can be served by serving their registered agent, L. Thomas Duvall, 2310 S. Redwood Ave., Independence, MO 64057-2410.

Defendant Dealer's Choice Truckaway System, Inc., Individually and doing business as Truckmovers is a company doing business in the State of Texas with its principal office in the State of Missouri, and can be served by serving their registered agent, L. Thomas Duvall, 2310 S. Redwood Ave., Independence, MO 64057-2410.

Defendant Truckmovers is a company doing business in the State of Texas with its principal office in the State of Missouri, and can be served by serving their registered agent, L. Thomas Duvall, 2310 S. Redwood Ave., Independence, MO 64057-2410.

### **III. VENUE**

Plaintiffs would show the Court that venue over this proceeding is proper in Bexar County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code Ann. Section 15.002(1) because all or a substantial part of the events giving rise to the claim occurred in Bexar County, Texas.

#### **IV. BACKGROUND FACTS**

On or about January 16, 2020, Plaintiff was traveling northbound on Interstate Highway 35 near Walzem Road when traffic came to a stop. Defendant Johnny L. Edson was also traveling northbound on Interstate Highway 35 directly behind Plaintiff. Defendant failed to control his speed and violently struck Plaintiff's vehicle sending her vehicle forward crashing into the vehicle in front of her. As a result of the collision, Plaintiff sustained severe injuries and suffered damages.

#### **V. CAUSES OF ACTION**

Defendants TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS INDIVIDUALLY are vicariously liable for the conduct of their driver, Defendant Johnny L. Edson, under the doctrine of agency and/or respondeat superior because at the time of the subject collision, the tractor driver was in the course and scope of his employment with TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS INDIVIDUALLY and/or under the theory of non-delegable duty because said tractor driver was an employee, either by contract or as a matter of law, pursuant to the Federal Motor Vehicle Safety Regulations (FMCSR) and the Texas equivalent, and for whose conduct Defendants TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS INDIVIDUALLY are responsible.

Furthermore, Defendants TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS

AND TRUCKMOVERS INDIVIDUALLY were negligent because they entrusted their tractor to their driver when they knew, or in the exercise of due care, should have known, that the tractor driver was an incompetent and/or unfit driver, thus creating an unreasonable risk of danger to persons and properties on the public streets and highways of Texas.

Furthermore, Defendants TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS INDIVIDUALLY were negligent because they hired, and/or retained their driver when they knew, or in the exercise of due care, should have known that their driver was an incompetent and unfit driver. In this regard these defendants failed to properly vet and train this driver prior to placing him behind the wheel of one of their vehicles.

Furthermore, Defendants TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS INDIVIDUALLY were negligent because they failed to adequately, and/or properly train, supervise, and/or monitor their driver.

Defendants TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS INDIVIDUALLY as the holder of a U.S. DOT number and an authorization to operate their vehicles under the authority of federal and state law, is subject to the rules and regulations imposed by federal law and the laws of the state of Texas which govern the operation of commercial vehicles, including the vehicle being operated on the occasion of the crash which injured Plaintiff. As the holder of a commercial drivers' license (CDL), Defendants were subject to the rules and requirements imposed by federal and state law which place a



higher burden of care on holders of CDLs. Defendants were in violation of federal and state laws which govern the operation of commercial vehicles.

Each of the aforementioned acts or omissions of Defendants TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS INDIVIDUALLY constituted a proximate cause of the collision and of the resulting damages and injuries to Plaintiff.

Defendant Johnny L. Edson, on the occasion in question, was negligent or negligent per se in that he operated the subject tractor in a manner for which damages and injuries to Plaintiff were foreseeable. Specifically, this Defendant:

- a. failed to control his speed;
- b. failed to keep a proper lookout;
- c. failed to timely apply his brakes; and
- d. failed to maintain proper control of his vehicle; failed to turn his vehicle to avoid the collision.

Defendant's breach of duty proximately caused injury to Plaintiff, which resulted in Plaintiff's damages as set out below.

#### **VI. CONTRIBUTORY NEGLIGENCE**

Plaintiff would show that nothing that she did, or failed to do, in any way contributed to this collision.

#### **VII. DAMAGES**

As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff was caused to suffer personal injuries. As a direct and proximate result of the occurrence made

the basis of this lawsuit, Plaintiff has incurred the following damages:

1. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services;
2. Reasonable and necessary medical care and expenses, which will in all reasonable probability be incurred in the future;
3. Physical pain and suffering in the past;
4. Physical pain and suffering in the future;
5. Mental anguish in the past;
6. Mental anguish in the future;
7. Physical impairment in the past and future;
8. Loss of use;
9. Property damage; and
10. All other elements of damages that may be shown at the trial of this cause.

#### **VIII. REQUEST FOR JURY TRIAL**

Concurrent with the filing of this First Amended Original Petition, Plaintiff has applied for trial by jury and has tendered the appropriate jury fee required by TEX. R. CIV. P. 216.

#### **IX. PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays that Defendants be cited to appear and answer herein and that upon a final trial of this cause, Plaintiff recovers judgment against Defendants for Plaintiff's injuries and damages as set forth above; interest on said judgment at the highest legal rate from date of judgment; pre-judgment interest on Plaintiff's damages at the highest legal rate; and, such other and further relief, whether at law or in

equity, to which Plaintiff may show herself justly entitled to receive.

Respectfully submitted,

**KARAM LAW FIRM**

By: 

Aizar J. Karam, Jr.  
State Bar No. 00796860  
1722 Pecan Avenue  
McAllen, Texas 78501  
Telephone: (956) 630-5700  
Facsimile: (956) 630-5702  
[akaram@karamlawfirm.com](mailto:akaram@karamlawfirm.com)  
**COUNSEL FOR PLAINTIFF**

# EXHIBIT 3

ORIGINAL

PRIVATE PROCESS

Case Number: 2021CI17775

Nicole Zuniga VS Johnny L Edson ET AL  
(Note: Attached Document May Contain Additional  
Litigants)

IN THE 407TH DISTRICT COURT  
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: **DEALER'S CHOICE TRUCKAWAY SYSTEM INC INDIVIDUALLY  
AND DBA TRUCKMOVERS  
BY SERVING ITS REGISTERED AGENT L. THOMAS DUVAL**

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said **PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION AND JURY DEMAND** was filed on this the **10th day of January, 2022.**

ISSUED UNDER MY HAND AND SEAL OF SAID COURT on this the 14th day of January, 2022.

AIZAR J KARAM JR  
ATTORNEY FOR PLAINTIFF  
1722 PECAN AVE  
MCALLEN TX 78501-7874



Mary Angie Garcia  
Bexar County District Clerk  
101 W. Nueva, Suite 217

San Antonio, Texas 78205  
By: /s/ Annabelle Kung  
Annabelle Kung, Deputy

NICOLE ZUNIGA VS JOHNNY L EDSON ET AL

Case Number: 2021CI17775  
407th District Court

**Officer's Return**

I received this CITATION on the 8 day of Feb, 20 22 at 5:00 o'clock P.M. and ( ✓ ) executed it by delivering a copy of the CITATION with attached PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION AND JURY DEMAND the date of delivery endorsed on it to the defendant Dealer Choice Truck Away in person on the 9 day of Feb, 20 22 at \_\_\_\_\_ o'clock \_\_\_\_\_ M. at 2316 S. Redwood Ave or ( ) not executed because \_\_\_\_\_  
Fees: \_\_\_\_\_ Badge/PPS #: P32 2249 Date certification expires: 8-31-22  
Texas \_\_\_\_\_ County, \_\_\_\_\_  
BY: Certified mail

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS \_\_\_\_\_


**NOTARY PUBLIC, STATE OF TEXAS**

OR: My name is JOE MOORENS, my date of birth is 8/50, and my address is 2134 W. Sonnet 78539 Dade County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Jackson County, State of Texas, on the 9 day of Feb, A.D., 2022.

mo.

Joe Moorens  
Declarant

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <u>DMACK 5702 C19</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>												
<p>1. Article Addressed to:</p> <p><b>DEALERS CHOICE TRUCKAWAY SYSTEM INC. c/o L. Thomas Duvall 2310 S. Redwood Ave. Independence, MO64057</b></p>	<p>B. Received by (Printed Name) _____ C. Date of Delivery <u>2/12/22</u></p>												
<p> 9590 9402 7268 1284 7191 44</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>												
<p>2. Article Number (Transfer from service label) <b>7021 0950 0001 5121 4569</b></p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Restricted Delivery</td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Restricted Delivery
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™												
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery												
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™												
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Restricted Delivery												
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>												

# EXHIBIT 4



ORIGINAL

PRIVATE PROCESS

Case Number: 2021CI17775

Nicole Zuniga VS Johnny L Edson ET AL  
(Note: Attached Document May Contain Additional  
Litigants)

IN THE 407TH DISTRICT COURT  
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: **TRUCKMOVERS**  
**BY SERVING ITS REGISTERED AGENT L. THOMAS DUVALL**

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said **PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION AND JURY DEMAND** was filed on this the 10th day of January, 2022.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT on this the 14th day of January, 2022.

AIZAR J KARAM JR  
ATTORNEY FOR PLAINTIFF  
1722 PECAN AVE  
MCALLEN TX 78501-7874



Mary Angie Garcia  
Bexar County District Clerk  
101 W. Nueva, Suite 217

San Antonio, Texas 78205  
By: /s/ Annabelle Kung  
Annabelle Kung, Deputy

NICOLE ZUNIGA VS JOHNNY L EDSON ET AL

Case Number: 2021CI17775  
407th District Court

**Officer's Return**

I received this CITATION on the 8 day of Feb., 2022 at 5:00 o'clock P M. and ☒ executed it by delivering a copy of the CITATION with attached PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION AND JURY DEMAND the date of delivery endorsed on it to the defendant 3105 Redwood Ave in-person on the 9 day of Feb, 2022 at \_\_\_\_\_ o'clock \_\_\_\_\_ M. at Truck Movers Co or ( ) not executed because \_\_\_\_\_.  
Fees: 2. Thomas Duvall Badge/PPS #: 2244 Date certification expires: 8-31-22

Texas

BY: Joe Mow

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS \_\_\_\_\_


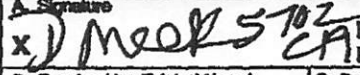
**NOTARY PUBLIC, STATE OF TEXAS**

OR: My name is Joe Mow, my date of birth is 8/50, and my address is 2137 Van Tine 78539 Helix County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Jackson County, State of Texas, on the 9 day of Feb., A.D., 2022.  
mo

Joe Mow  
Declarant



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p><b>TRUCKMOVERS</b>  <b>c/o L. Thomas Duvall</b>  <b>2310 S. Redwood Ave.</b>  <b>Independence, MO 64057</b></p>  <p>9590 9402 6800 1074 9342 62</p> <p>2. Article Number (Transfer from service label)</p> <p>7021 0950 0001 5121 4545</p>		<p>2-9</p> <p>A. Signature   <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery  2/12/22</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Restricted Delivery</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
PS Form 3811, July 2020 PSN 7530-02-000-9053		Domestic Return Receipt	

# EXHIBIT 5

ORIGINAL

PRIVATE PROCESS

Case Number: 2021CI17775

Nicole Zuniga VS Johnny L Edson ET AL  
(Note: Attached Document May Contain Additional  
Litigants)

IN THE 407TH DISTRICT COURT  
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: **TRUCKMOVERS.COM INC**  
**BY SERVING ITS REGISTERED AGENT L. THOMAS DUVAL**

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said **PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION AND JURY DEMAND** was filed on this the **10th day of January, 2022**.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT on this the 14th day of January, 2022.

**AIZAR J KARAM JR**  
**ATTORNEY FOR PLAINTIFF**  
**1722 PECAN AVE**  
**MCALLEN TX 78501-7874**



**Mary Angie Garcia**  
**Bexar County District Clerk**  
**101 W. Nueva, Suite 217**  
  
**San Antonio, Texas 78205**  
**By: /s/ Annabelle Kung**  
**Annabelle Kung, Deputy**

NICOLE ZUNIGA VS JOHNNY L EDSON ET AL

Case Number: 2021CI17775  
407th District Court

**Officer's Return**

I received this CITATION on the 9 day of Feb., 2022 at 3:00 o'clock P M. and ☒ executed it by delivering a copy of the CITATION with attached PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION AND JURY DEMAND the date of delivery endorsed on it to the defendant TruckMovers.com Inc in person on the 9 day of Feb., 2022 at \_\_\_\_\_ o'clock \_\_\_\_\_ M. at 2310 S. Redwood Ave or ( ) not executed because \_\_\_\_\_.  
Fees: \_\_\_\_\_ Badge/PPS #: 2249 Date certification expires: 9-30-22

Texas

BY: Joe Munoz

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS \_\_\_\_\_

**NOTARY PUBLIC, STATE OF TEXAS**

OR: My name is Joe Munoz, my date of birth is 8/50, and my address is 2131 Vin Street Edinburg, TX Hidalgo County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in LACKS County, State of Texas, on the 8 day of Feb, A.D., 2022.  
MD

Joe Munoz

**Declarant**

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

TRUCKMOVERS.COM INC.  
c/o L. Thomas Duvall  
2310 S. Redwood Ave.  
Independence, MO 64057



9590 9402 6800 1074 9342 79

## 2. Article Number (Transfer from service label)

7021 0950 0001 5121 4552

PS Form 3811, July 2020 PSN 7530-02-000-9053

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

x D. M. R. 5102 CH

- ☐ Agent  
☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

2/12/22

- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

## 3. Service Type

- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                         | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery     | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                         | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery      | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery                     | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery |   |

Domestic Return Receipt

# EXHIBIT 6

**CAUSE NO. 2021-CI-17775**

**NICOLE ZUNIGA,**  
*Plaintiff,*

**vs.**

**JOHNNY L. EDSON, TRUCKMOVERS  
INTERNATIONAL, INC.,  
TRUCKMOVERS.COM, INC.,  
DEALER'S CHOICE TRUCKAWAY  
SYSTEM, INC., INDIVIDUALLY AND  
DBA TRUCKMOVERS AND  
TRUCKMOVERS, INDIVIDUALLY,  
*Defendants.***

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**IN THE DISTRICT COURT**

**407<sup>TH</sup> JUDICIAL DISTRICT COURT**

**BEXAR COUNTY, TEXAS**

**DEFENDANTS' ORIGINAL ANSWER**

COME NOW Defendants, **TRUCKMOVERS INTERNATIONAL, INC.,  
TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC.,  
Individually and DBA TRUCKMOVERS and TRUCKMOVERS, Individually**  
("Defendants"), and file this Original Answer in response to Plaintiff's First Amended Original  
Petition and Jury Demand, and any subsequent petitions, and respectfully shows the Court the  
following:

**GENERAL DENIAL**

1. As authorized by Rule 92 of the Texas Rules of Civil Procedure, Defendants assert  
a general denial and request the Court require Plaintiff to prove the charges and allegations against  
Defendants by a preponderance of the evidence as required by the Constitution and laws of the  
State of Texas.

**SPECIAL EXCEPTIONS**

2. Defendants specially except to Plaintiff's First Amended Petition as she failed to  
plead a claim for relief under Texas Rule of Civil Procedure 47. Accordingly, Plaintiff may not  
conduct any discovery until amendment to comply with the Rule.

3. Defendants specially except to Plaintiff's First Amended Petition as she failed to specify a maximum amount of damages sought under Texas Rule of Civil Procedure 47

4. Defendants specially except to Plaintiff's Original Petition as *Truckmovers International, Inc.* is the improperly named party. Dealer's Choice Truckaway System, Inc. d/b/a Truckmovers.com is the proper party.

### **AFFIRMATIVE DEFENSES**

5. Without assuming the burden of proof as to the following (other than any burden imposed by law), Defendants further assert:

6. Defendants request that Plaintiff's recovery of medical or health care expenses, if any, be limited to the amount actually paid or incurred by or on behalf of the Plaintiff. Tex. Civ. Prac. & Rem. Code § 41.0105.

### **REQUEST FOR JURY TRIAL**

7. Defendants respectfully request a trial by jury.

### **DESIGNATED E-SERVICE EMAIL ADDRESS**

8. The following are the undersigned attorneys' designated E-Service email addresses for all e-served documents and notices, filed and unfiled, pursuant to Texas Rule of Civil Procedure 21(f)(2) and 21a: [benjamin.kemble@akerman.com](mailto:benjamin.kemble@akerman.com) and [taylor.beaver@akerman.com](mailto:taylor.beaver@akerman.com). This is the undersigned's only E-Service email addresses, and service through any other email address will be considered invalid.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendants, **TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., Individually and DBA TRUCKMOVERS and TRUCKMOVERS, Individually**, pray that that Plaintiff take nothing by this suit and Defendants



recover their costs and such other and further relief to which Defendants may show themselves justly entitled.

Respectfully submitted,

**AKERMAN, L.L.P.**

By: /s/ Benjamin G. Kemble

Benjamin G. Kemble

State Bar No. 24050864

[benjamin.kemble@akerman.com](mailto:benjamin.kemble@akerman.com)

Taylor R. Beaver

State Bar No. 24092101

[taylor.beaver@akerman.com](mailto:taylor.beaver@akerman.com)

112 E. Pecan Street, Suite 2750

San Antonio, Texas 78205

(210) 582-0220 (Phone)

(210) 582-0231 (Fax)

**ATTORNEYS FOR DEFENDANTS**

**TRUCKMOVERS INTERNATIONAL,**

**INC., TRUCKMOVERS.COM, INC.,**

**DEALER'S CHOICE TRUCKAWAY**

**SYSTEM, INC., INDIVIDUALLY AND**

**DBA TRUCKMOVERS AND**

**TRUCKMOVERS, INDIVIDUALLY**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was sent to the following attorneys of record by e-service on this 4<sup>th</sup> day of March, 2022:

Aizar J. Karam, Jr.

KARAM LAW FIRM

1722 Pecan Avenue

McAllen, Texas 7851

Facsimile: 956-630-5702

[akaram@karamlawfirm.com](mailto:akaram@karamlawfirm.com)

/s/ Benjamin G. Kemble

Benjamin G. Kemble



# EXHIBIT 7

**CAUSE NO. 2021-CI-17775**

<b>NICOLE ZUNIGA,</b>	§	<b>IN THE DISTRICT COURT</b>
<i>Plaintiff,</i>	§	
	§	
<b>vs.</b>	§	
	§	<b>407<sup>TH</sup> JUDICIAL DISTRICT COURT</b>
<b>JOHNNY L. EDSON, TRUCKMOVERS</b>	§	
<b>INTERNATIONAL, INC.,</b>	§	
<b>TRUCKMOVERS.COM, INC.,</b>	§	
<b>DEALER'S CHOICE TRUCKAWAY</b>	§	
<b>SYSTEM, INC., INDIVIDUALLY AND</b>	§	
<b>DBA TRUCKMOVERS AND</b>	§	
<b>TRUCKMOVERS, INDIVIDUALLY,</b>	§	
<i>Defendants.</i>	§	<b>BEXAR COUNTY, TEXAS</b>

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that *Defendants' Special Exceptions* is hereby set for hearing on  
**Thursday, March 17, 2022, at 8:30 a.m.**, in the Presiding District Court (Room 1.09) located at  
the Bexar County Courthouse, 100 Dolorosa, San Antonio, Texas 78205.

**YOU MUST PARTICIPATE IN THE HEARING BY LOGGING ON TO ZOOM  
OR BY APPEARING IN PERSON AT THE COURTHOUSE.**

**TO APPEAR BY ZOOM:** At the designated time above, log on to the Presiding Court Zoom using this link: <https://zoom.us/my/bexarpresidingcourtzoom>. Alternatively, log on to the Presiding Court Zoom using meeting ID is 917-895-6796. If you are unable to log on with a computer or smart device, you can call the Zoom telephone access number for Presiding Court at 1 (346) 248-7799. You will need to input the Presiding Court Zoom access code: 917-895-6796. However, calling in is not recommended by the court.

**TO APPEAR IN PERSON:** At the designated time above, report in-person to the Presiding District Courtroom (Room 1.09) located at the Bexar County Courthouse, 100 Dolorosa, San Antonio, Texas, 78205. If you appear in person and plan to introduce documents and evidence during your hearing, you must be prepared to share them on Zoom using a personal computer or smart device equipped with a wireless modem or air card and Zoom app or Zoom software installed. Wi-Fi access may not be available at court.

1. The link to Presiding Court Zoom:  
<https://zoom.us/my/bexarpresidingcourtzoom>.
2. The Zoom telephone access number for Presiding Court:  
**Meeting ID: 917-895-6796.**

3. The Zoom telephone access number of Presiding Court:  
**Telephone access number: 1-346-248-7799.**
4. Time Announcement for this hearing: 20 minutes.
5. Telephone numbers and email addresses for all counsel of record; no self-represented litigants:

**ATTORNEYS FOR PLAINTIFF, NICOLE ZUNIGA:**

Mr. Aizar J. Karam, Jr.

[akaram@karamlawfirm.com](mailto:akaram@karamlawfirm.com)

Telephone: 956-630-5702

**ATTORNEYS FOR DEFENDANTS, TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS, INDIVIDUALLY:**

Mr. Benjamin G. Kemble

[benjamin.kemble@akerman.com](mailto:benjamin.kemble@akerman.com)

Ms. Taylor Beaver

[taylor.beaver@akerman.com](mailto:taylor.beaver@akerman.com)

Telephone: 210-582-0220

6. Defendants hereby announce ready.
7. No interpreter is not needed/required for this hearing.
8. No witnesses will be called.
9. There will be a total of approximately three (3) participants on this call.
10. A record is required for this hearing.

Respectfully submitted,

3/11/2022

**AKERMAN, L.L.P.**

By: /s/ Benjamin G. Kemble

Benjamin G. Kemble

State Bar No. 24050864

[benjamin.kemble@akerman.com](mailto:benjamin.kemble@akerman.com)

Taylor Beaver

State Bar No. 24092101

[taylor.beaver@akerman.com](mailto:taylor.beaver@akerman.com)

112 E. Pecan Street, Suite 2750

San Antonio, Texas 78205

(210) 582-0220 – Telephone

(210) 582-0231 – Facsimile

**ATTORNEYS FOR DEFENDANTS**

**Laura Salinas**  
**Presiding Judge**  
**166th District Court**  
**Bexar County, Texas**

**TRUCKMOVERS INTERNATIONAL, INC.,  
TRUCKMOVERS.COM, INC., DEALER'S  
CHOICE TRUCKAWAY SYSTEM, INC.,  
INDIVIDUALLY AND DBA TRUCKMOVERS  
AND TRUCKMOVERS, INDIVIDUALLY**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was sent to the following attorneys of record by e-service on this 11<sup>th</sup> day of March, 2022:

Mr. Aizar J. Karam, Jr.  
KARAM LAW FIRM  
1722 Pecan Avenue  
McAllen, Texas 7851  
Facsimile: 956-630-5702  
[akaram@karamlawfirm.com](mailto:akaram@karamlawfirm.com)

/s/ Benjamin G. Kemble  
Benjamin G. Kemble

# EXHIBIT 8

**CAUSE NO. 2021-CI-17775**

<b>NICOLE ZUNIGA,</b>	§	<b>IN THE DISTRICT COURT</b>
<b><i>Plaintiff,</i></b>	§	
	§	
<b>vs.</b>	§	
	§	<b>407<sup>TH</sup> JUDICIAL DISTRICT COURT</b>
<b>JOHNNY L. EDSON, TRUCKMOVERS</b>	§	
<b>INTERNATIONAL, INC.,</b>	§	
<b>TRUCKMOVERS.COM, INC.,</b>	§	
<b>DEALER'S CHOICE TRUCKAWAY</b>	§	
<b>SYSTEM, INC., INDIVIDUALLY AND</b>	§	
<b>DBA TRUCKMOVERS AND</b>	§	
<b>TRUCKMOVERS, INDIVIDUALLY,</b>	§	
<b><i>Defendants.</i></b>	§	<b>BEXAR COUNTY, TEXAS</b>

**AMENDED NOTICE OF HEARING**

PLEASE TAKE NOTICE that *Defendants' Special Exceptions* is hereby **reset** for hearing on **Wednesday, March 23, 2022, at 8:30 a.m.**, in the Presiding District Court (Room 1.09) located at the Bexar County Courthouse, 100 Dolorosa, San Antonio, Texas 78205.

**YOU MUST PARTICIPATE IN THE HEARING BY LOGGING ON TO ZOOM OR BY APPEARING IN PERSON AT THE COURTHOUSE.**

**TO APPEAR BY ZOOM:** At the designated time above, log on to the Presiding Court Zoom using this link: <https://zoom.us/my/bexarpresidingcourtzoom>. Alternatively, log on to the Presiding Court Zoom using meeting ID is 917-895-6796. If you are unable to log on with a computer or smart device, you can call the Zoom telephone access number for Presiding Court at 1 (346) 248-7799. You will need to input the Presiding Court Zoom access code: 917-895-6796. However, calling in is not recommended by the court.

**TO APPEAR IN PERSON:** At the designated time above, report in-person to the Presiding District Courtroom (Room 1.09) located at the Bexar County Courthouse, 100 Dolorosa, San Antonio, Texas, 78205. If you appear in person and plan to introduce documents and evidence during your hearing, you must be prepared to share them on Zoom using a personal computer or smart device equipped with a wireless modem or air card and Zoom app or Zoom software installed. Wi-Fi access may not be available at court.

1. The link to Presiding Court Zoom:  
<https://zoom.us/my/bexarpresidingcourtzoom>.
2. The Zoom telephone access number for Presiding Court:  
**Meeting ID: 917-895-6796.**

3. The Zoom telephone access number of Presiding Court:  
**Telephone access number: 1-346-248-7799.**
4. Time Announcement for this hearing: 20 minutes.
5. Telephone numbers and email addresses for all counsel of record; no self-represented litigants:

**ATTORNEYS FOR PLAINTIFF, NICOLE ZUNIGA:**

Mr. Aizar J. Karam, Jr.

[akaram@karamlawfirm.com](mailto:akaram@karamlawfirm.com)

Telephone: 956-630-5702

**ATTORNEYS FOR DEFENDANTS, TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS, INDIVIDUALLY:**

Mr. Benjamin G. Kemble

[benjamin.kemble@akerman.com](mailto:benjamin.kemble@akerman.com)

Ms. Taylor Beaver

[taylor.beaver@akerman.com](mailto:taylor.beaver@akerman.com)

Telephone: 210-582-0220

6. Defendants hereby announce ready.
7. No interpreter is not needed/required for this hearing.
8. No witnesses will be called.
9. There will be a total of approximately three (3) participants on this call.
10. A record is required for this hearing.

3/14/2022

Respectfully submitted,

**AKERMAN, L.L.P.**

**Laura Salinas**  
**Presiding Judge**  
**166th District Court**  
**Bexar County, Texas**

By: /s/ Benjamin G. Kemble

Benjamin G. Kemble

State Bar No. 24050864

[benjamin.kemble@akerman.com](mailto:benjamin.kemble@akerman.com)

Taylor Beaver

State Bar No. 24092101

[taylor.beaver@akerman.com](mailto:taylor.beaver@akerman.com)

112 E. Pecan Street, Suite 2750

San Antonio, Texas 78205

(210) 582-0220 – Telephone

(210) 582-0231 – Facsimile

**ATTORNEYS FOR DEFENDANTS**

**TRUCKMOVERS INTERNATIONAL, INC.,  
TRUCKMOVERS.COM, INC., DEALER'S  
CHOICE TRUCKAWAY SYSTEM, INC.,  
INDIVIDUALLY AND DBA TRUCKMOVERS  
AND TRUCKMOVERS, INDIVIDUALLY**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was sent to the following attorneys of record by e-service on this 14<sup>th</sup> day of March, 2022:

Mr. Aizar J. Karam, Jr.  
KARAM LAW FIRM  
1722 Pecan Avenue  
McAllen, Texas 7851  
Facsimile: 956-630-5702  
[akaram@karamlawfirm.com](mailto:akaram@karamlawfirm.com)

/s / Benjamin G. Kemble  
Benjamin G. Kemble



# EXHIBIT 9

# TEXAS TRANSPORTATION COMMISSION CHAIRMAN'S CERTIFICATE

NO. 2021CI17775

NICOLE ZUNIGA

VS.

JOHNNY L. EDSON AND TRUCKMOVERS  
INTERNATIONAL, INC.

§ IN THE DISTRICT COURT  
§  
§ 407TH JUDICIAL  
§  
§ BEXAR COUNTY, TEXAS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW J. Bruce Bugg, Jr., Chairman of the Texas Transportation Commission,  
and Certifies to the court as follows:

That on September 14, 2021, I was duly served with Citation and copy of Plaintiff's  
Original Petition and Jury Demand in the above styled and numbered cause, which I  
immediately caused to be forwarded by U.S. Certified Mail, certified number 7017 2400  
0000 6854 0868 addressed to Johnny L. Edson, 2325 Boston, Muskogee, OK 74401 with  
postage prepaid, return receipt requested;

In witness whereof, this certificate is issued in Austin, Texas, this 14<sup>th</sup> day of  
September, 2021.



Chairman, Texas Transportation Commission

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Elisa Smith on behalf of Aizar Karam Jr.  
 Bar No. 796860  
 elisa@karamlawfirm.com  
 Envelope ID: 63051274  
 Status as of 3/31/2022 8:09 AM CST

Associated Case Party: Nicole Zuniga

Name	BarNumber	Email	TimestampSubmitted	Status
Aizar J. Karam	796860	akaram@karamlawfirm.com	3/29/2022 11:56:20 AM	SENT

Associated Case Party: TRUCKMOVERS.COM INC

Name	BarNumber	Email	TimestampSubmitted	Status
Benjamin Kemble		benjamin.kemble@akerman.com	3/29/2022 11:56:20 AM	SENT
Taylor Beaver		taylor.beaver@akerman.com	3/29/2022 11:56:20 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Elisa Smith		elisa@karamlawfirm.com	3/29/2022 11:56:20 AM	SENT

# EXHIBIT 10

PRIVATE PROCESS

Case Number: 2021CI17775

Nicole Zuniga VS Johnny L Edson ET AL  
(Note: Attached Document May Contain Additional  
Litigants)

IN THE 407TH DISTRICT COURT  
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: **JOHNNY L EDSON**

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TexasLawHelp.org](http://TexasLawHelp.org)" Said ORIGINAL PETITION AND JURY DEMAND was filed on this the 27th day of August, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT on this the 8th day of September, 2021.

**AIZAR J KARAM JR**  
ATTORNEY FOR PLAINTIFF  
1722 PECAN AVE  
MCALLEN TX 78501-7874



Mary Angie Garcia  
Bexar County District Clerk  
181 W. Nueva, Suite 217  
San Antonio, Texas 78205  
By: /s/ Alexandra Johnson  
Alexandra Johnson, Deputy

NICOLE ZUNIGA VS JOHNNY L EDSON ET AL

Case Number: 2021CI17775  
407th District Court

Officer's Return

I received this CITATION on the 30 day of March, 20 22 at 2:50 o'clock P.M. and (X) executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION AND JURY DEMAND the date of delivery endorsed on it to the defendant Johnny L Edson in person on the 5th day of April, 20 22 at 2:50 o'clock P.M. at 2325 Boston, Muskogee, OK or ( ) not executed because \_\_\_\_\_  
Fees: \_\_\_\_\_ Badge/PPS #: 2020-5 Date certification expires: 10/16/2023

Texas

Muskogee County, State of Oklahoma County,

BY:

Tamra Bacon

OR: VERIFICATION OF RETURN (if not served by a peace officer) SWORN TO THIS \_\_\_\_\_

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is Tamra Bacon, my date of birth is 02/09/1973, and my address is 14083 State Hwy 51 PMB 157 Coweta, OK, Wagoner County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Wagoner County, State of Texas, on the 5th day of April, A.D., 2022.

Tamra Bacon  
Declarant

PRIVATE PROCESS

Case Number: 2021CI17775

Nicole Zuniga VS Johnny L Edson ET AL  
(Note: Attached Document May Contain Additional  
Litigants)

IN THE 407TH DISTRICT COURT  
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: **JOHNNY L EDSON**

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said ORIGINAL PETITION AND JURY DEMAND was filed on this the 27th day of August, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT on this the 8th day of September, 2021.

AIZAR J KARAM JR  
ATTORNEY FOR PLAINTIFF  
1722 PECAN AVE  
MCALLEN TX 78501-7874



Mary Angie Garcia  
Bexar County District Clerk  
101 W. Nueva, Suite 217

San Antonio, Texas 78205  
By: /s/ Alexandra Johnson  
Alexandra Johnson, Deputy

NICOLE ZUNIGA VS JOHNNY L EDSON ET AL

Case Number: 2021CI17775  
407th District Court

Officer's Return

I received this CITATION on the 31 day of MAR, 2022 at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and ( ☒ ) executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION AND JURY DEMAND the date of delivery endorsed on it to the defendant Johnny L. Edson in person on the 31 day of MAR, 2022 at \_\_\_\_\_ o'clock \_\_\_\_\_ M. at \_\_\_\_\_ or ( ) not executed because \_\_\_\_\_.

Fees: \_\_\_\_\_ Badge/PPS #: \_\_\_\_\_ Date certification expires: \_\_\_\_\_ County, \_\_\_\_\_

Texas \* of Tx. Transportation Commission

BY: \_\_\_\_\_

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS \_\_\_\_\_

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is Joe Moreno, my date of birth is 8/50, and my address is 2134 Van Somer Edinburg, TX 78840 County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Muskegon County, State of Texas, on the 31 day of MAR, A.D., 2022.

OK

Joe Moreno  
Declarant

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Elisa Smith on behalf of Aizar Karam Jr.  
 Bar No. 796860  
 elisa@karamlawfirm.com  
 Envelope ID: 63350407  
 Status as of 4/7/2022 11:06 AM CST

Associated Case Party: Nicole Zuniga

Name	BarNumber	Email	TimestampSubmitted	Status
Aizar J. Karam	796860	akaram@karamlawfirm.com	4/7/2022 9:36:52 AM	SENT
Elisa Smith		elisa@karamlawfirm.com	4/7/2022 9:36:52 AM	SENT

Associated Case Party: TRUCKMOVERS.COM INC

Name	BarNumber	Email	TimestampSubmitted	Status
Benjamin Kemble		benjamin.kemble@akerman.com	4/7/2022 9:36:52 AM	SENT
Taylor Beaver		taylor.beaver@akerman.com	4/7/2022 9:36:52 AM	SENT

# EXHIBIT 11



**CAUSE NO.: 2021CI17775**

<b>NICOLE ZUNIGA</b>	<b>§</b>	<b>IN THE DISTRICT COURT</b>
	<b>§</b>	
	<b>§</b>	
	<b>§</b>	
<b>vs.</b>	<b>§</b>	<b>407<sup>th</sup> JUDICIAL DISTRICT</b>
	<b>§</b>	
<b>JOHNNY L. EDSON,</b>	<b>§</b>	
<b>TRUCKMOVERS INTERNATIONAL, INC.,</b>	<b>§</b>	
<b>TRUCKMOVERS.COM, INC., DEALER'S</b>	<b>§</b>	
<b>CHOICE TRUCKAWAY SYSTEM, INC.,</b>	<b>§</b>	
<b>INDIVIDUALLY AND DBA TRUCKMOVERS</b>	<b>§</b>	
<b>AND TRUCKMOVERS, INDIVIDUALLY</b>	<b>§</b>	<b>BEXAR COUNTY, TEXAS</b>

**PLAINTIFF'S SECOND AMENDED ORIGINAL PETITION AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, NICOLE ZUNIGA, Plaintiff in the above-entitled and numbered cause, complaining of and against JOHNNY L. EDSON, TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS and TRUCKMOVERS.COM AND TRUCKMOVERS, INDIVIDUALLY, Defendants herein, and for cause of action would respectfully show unto the Court the following:

**I. DISCOVERY PLAN**

Discovery is intended to be conducted under Level 3 of the Texas Rules of Civil Procedure 190.

**II. PARTIES**

Plaintiff Nicole Zuniga is an individual who resides in Bexar County, Texas.

Defendant Johnny L. Edson is an individual who resides in Muskogee County, Oklahoma

and has been served but has not filed an answer herein.

Defendant Truckmovers International, Inc. has been served and filed an answer herein.

Defendant Truckmovers.com, Inc. has been served and filed an answer herein.

Defendant Dealer's Choice Truckaway System, Inc., Individually and d/b/a Truckmovers and Truckmovers.com has been served and filed an answer herein.

Defendant Truckmovers is a company doing business in the State of Texas with its principal office in the State of Missouri and has been served and filed an answer herein.

### **III. VENUE**

Plaintiff would show the Court that venue over this proceeding is proper in Bexar County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code Ann. Section 15.002(1) because all or a substantial part of the events giving rise to the claim occurred in Bexar County, Texas.

### **IV. BACKGROUND FACTS**

On or about January 16, 2020, Plaintiff was traveling northbound on Interstate Highway 35 near Walzem Road when traffic came to a stop. Defendant Johnny L. Edson was also traveling northbound on Interstate Highway 35 directly behind Plaintiff. Defendant failed to control his speed and violently struck Plaintiff's vehicle sending her vehicle forward crashing into the vehicle in front of her. As a result of the collision, Plaintiff sustained severe injuries and suffered damages.

### **V. CAUSES OF ACTION**

Defendants TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS.COM AND TRUCKMOVERS, INDIVIDUALLY are vicariously liable for the conduct of their driver, Defendant Johnny L. Edson, under the doctrine of agency and/or respondeat

superior because (1) at the time of the subject collision, said tractor driver was in the course and scope of his employment with TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS.COM AND TRUCKMOVERS, INDIVIDUALLY and/or (2) under the theory of non-delegable duty because said tractor driver was an employee, either by contract or as a matter of law, pursuant to the Federal Motor Vehicle Safety Regulations (FMCSR) and the Texas equivalent, and for whose conduct Defendants TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS.COM AND TRUCKMOVERS, INDIVIDUALLY are responsible.

Furthermore, Defendants TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS.COM AND TRUCKMOVERS, INDIVIDUALLY were negligent because they entrusted their tractor to their driver when they knew, or in the exercise of due care, should have known, that the tractor driver was an incompetent and/or unfit driver, thus creating an unreasonable risk of danger to persons and properties on the public streets and highways of Texas.

Furthermore, Defendants TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS.COM AND TRUCKMOVERS, INDIVIDUALLY were negligent because they hired, and/or retained their driver when they knew, or in the exercise of due care, should have known that their driver was an incompetent and unfit driver. In this regard these defendants

failed to properly vet and train this driver prior to placing him behind the wheel of one of their vehicles.

Furthermore, Defendants TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS.COM AND TRUCKMOVERS, INDIVIDUALLY were negligent because they failed to adequately and/or properly train, supervise, and/or monitor their driver.

Defendants TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS.COM AND TRUCKMOVERS, INDIVIDUALLY as the holder of a U.S. DOT number and an authorization to operate their vehicles under the authority of federal and state law, is subject to the rules and regulations imposed by federal law and the laws of the state of Texas which govern the operation of commercial vehicles, including the vehicle being operated on the occasion of the crash which injured Plaintiff. As the holder of a commercial drivers' license (CDL), Defendants were subject to the rules and requirements imposed by federal and state law which place a higher burden of care on holders of CDLs. Defendants were in violation of federal and state laws which govern the operation of commercial vehicles.

Each of the aforementioned acts or omissions of Defendants TRUCKMOVERS INTERNATIONAL, INC., TRUCKMOVERS.COM, INC., DEALER'S CHOICE TRUCKAWAY SYSTEM, INC., INDIVIDUALLY AND DBA TRUCKMOVERS AND TRUCKMOVERS.COM AND TRUCKMOVERS, INDIVIDUALLY constituted a proximate cause of the collision and of the resulting damages and injuries to Plaintiff.

Defendant Johnny L. Edson, on the occasion in question, was negligent and/or negligent per se in that he operated the subject tractor in a manner for which damages and injuries to Plaintiff were foreseeable. Specifically, this Defendant:

- a. failed to control his speed;
- b. failed to keep a proper lookout;
- c. failed to timely apply his brakes; and
- d. failed to maintain proper control of his vehicle; failed to turn his vehicle to avoid the collision.

Defendant Edson's breach of duty proximately caused injury to Plaintiff, which resulted in Plaintiff's damages as set out below.

#### **VI. CONTRIBUTORY NEGLIGENCE**

Plaintiff would show that nothing that she did, or failed to do, in any way contributed to this collision.

#### **VII. DAMAGES**

As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff was caused to suffer personal injuries. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff has incurred the following damages:

1. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services;
2. Reasonable and necessary medical care and expenses, which will in all reasonable probability be incurred in the future;
3. Physical pain and suffering in the past;
4. Physical pain and suffering in the future;

5. Mental anguish in the past;
6. Mental anguish in the future;
7. Physical impairment in the past and future;
8. Loss of use;
9. Property damage; and
10. All other elements of damages that may be shown at the trial of this cause.

#### **VIII. REQUEST FOR JURY TRIAL**

Concurrent with the filing of this First Amended Original Petition, Plaintiff has applied for trial by jury and has tendered the appropriate jury fee required by TEX. R. CIV. P. 216.

#### **IX. PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays that Defendants be cited to appear and answer herein and that upon a final trial of this cause, Plaintiff recovers judgment against Defendants for Plaintiff's injuries and damages as set forth above; in an amount over \$1,000,000.00; interest on said judgment at the highest legal rate from date of judgment; pre-judgment interest on Plaintiff's damages at the highest legal rate; and, such other and further relief, whether at law or in equity, to which Plaintiff may show herself justly entitled to receive.

Respectfully submitted,

**KARAM LAW FIRM**

By: 

Aizar J. Karam, Jr.  
State Bar No. 00796860  
1722 Pecan Avenue  
McAllen, Texas 78501  
Telephone: (956) 630-5700  
Facsimile: (956) 630-5702  
[akaram@karamlawfirm.com](mailto:akaram@karamlawfirm.com)

**COUNSEL FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was sent to the following counsel of record via certified mail, return receipt requested, facsimile, electronic mail, regular mail and/or hand delivery on this 7<sup>th</sup> day of April, 2022:

Benjamin G. Kemble  
Taylor Beaver  
AKERMAN, L.L.P.  
112 E. Pecan Street, Suite 2750  
San Antonio, Texas 78205  
[benjamin.kemble@akerman.com](mailto:benjamin.kemble@akerman.com)  
[taylor.beaver@akerman.com](mailto:taylor.beaver@akerman.com)

**ATTORNEY FOR DEFENDANTS**

  
\_\_\_\_\_  
Aizar J. Karam, Jr.

**Automated Certificate of eService**

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Elisa Smith on behalf of Aizar Karam Jr.  
 Bar No. 796860  
 elisa@karamlawfirm.com  
 Envelope ID: 63353593  
 Status as of 4/7/2022 3:50 PM CST

Associated Case Party: Nicole Zuniga

Name	BarNumber	Email	TimestampSubmitted	Status
Aizar J. Karam	796860	akaram@karamlawfirm.com	4/7/2022 10:25:06 AM	SENT
Elisa Smith		elisa@karamlawfirm.com	4/7/2022 10:25:06 AM	SENT

Associated Case Party: TRUCKMOVERS.COM INC

Name	BarNumber	Email	TimestampSubmitted	Status
Benjamin Kemble		benjamin.kemble@akerman.com	4/7/2022 10:25:06 AM	SENT
Taylor Beaver		taylor.beaver@akerman.com	4/7/2022 10:25:06 AM	SENT



# EXHIBIT 12

**CAUSE NO. 2021-CI-17775**

<b>NICOLE ZUNIGA,</b>	§	<b>IN THE DISTRICT COURT</b>
<i>Plaintiff,</i>	§	
	§	
<b>vs.</b>	§	
	§	<b>407<sup>TH</sup> JUDICIAL DISTRICT COURT</b>
<b>JOHNNY L. EDSON, TRUCKMOVERS</b>	§	
<b>INTERNATIONAL, INC.,</b>	§	
<b>TRUCKMOVERS.COM, INC.,</b>	§	
<b>DEALER'S CHOICE TRUCKAWAY</b>	§	
<b>SYSTEM, INC., INDIVIDUALLY AND</b>	§	
<b>DBA TRUCKMOVERS AND</b>	§	
<b>TRUCKMOVERS, INDIVIDUALLY,</b>	§	
<i>Defendants.</i>	§	<b>BEXAR COUNTY, TEXAS</b>

**DEFENDANT JOHNNY L. EDSON'S ORIGINAL ANSWER**

COMES NOW Defendant, **JOHNNY L. EDSON** ("Defendant"), and files this Original Answer in response to Plaintiff's Second Amended Original Petition and Jury Demand, and any subsequent petitions, and respectfully shows the Court the following:

**GENERAL DENIAL**

1. As authorized by Rule 92 of the Texas Rules of Civil Procedure, Defendant asserts a general denial and request the Court require Plaintiff to prove the charges and allegations against Defendant by a preponderance of the evidence as required by the Constitution and laws of the State of Texas.

**AFFIRMATIVE DEFENSES**

2. Without assuming the burden of proof as to the following (other than any burden imposed by law), Defendant further asserts:

3. Defendant pleads the proportionate responsibility of Plaintiff in that Plaintiff's own acts or omissions proximately caused or contributed to Plaintiff's injuries and/or damages,

resulting in a reduction of damages pursuant to Chapter 33 of the Texas Civil Practice and Remedies Code.

4. Defendant is not liable to Plaintiff because Plaintiff's injuries were the result of a new and independent cause and/or the actions of third parties.

5. Defendant requests that Plaintiff's recovery of medical or health care expenses, if any, be limited to the amount actually paid or incurred by or on behalf of the Plaintiff. TEX. CIV. PRAC. & REM. CODE § 41.0105.

#### **REQUEST FOR JURY TRIAL**

6. Defendant respectfully requests a trial by jury.

#### **DESIGNATED E-SERVICE EMAIL ADDRESS**

7. The following are the undersigned attorneys' designated E-Service email addresses for all e-served documents and notices, filed and unfiled, pursuant to Texas Rule of Civil Procedure 21(f)(2) and 21a: [benjamin.kemble@akerman.com](mailto:benjamin.kemble@akerman.com) and [taylor.beaver@akerman.com](mailto:taylor.beaver@akerman.com). This is the undersigned's only E-Service email addresses, and service through any other email address will be considered invalid.

#### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant, **JOHNNY L. EDSON**, prays that that Plaintiff take nothing by this suit and Defendant recover his costs and such other and further relief to which Defendant may show himself justly entitled.

Respectfully submitted,

**AKERMAN, L.L.P.**

By: /s/ Benjamin G. Kemble

Benjamin G. Kemble

State Bar No. 24050864

[benjamin.kemble@akerman.com](mailto:benjamin.kemble@akerman.com)

Taylor R. Beaver

State Bar No. 24092101

[taylor.beaver@akerman.com](mailto:taylor.beaver@akerman.com)

112 E. Pecan Street, Suite 2750

San Antonio, Texas 78205

(210) 582-0220 (Phone)

(210) 582-0231 (Fax)

**ATTORNEYS FOR DEFENDANTS**

**JOHNNY L. EDSON, TRUCKMOVERS**

**INTERNATIONAL, INC.,**

**TRUCKMOVERS.COM, INC.,**

**DEALER'S CHOICE TRUCKAWAY**

**SYSTEM, INC., INDIVIDUALLY AND**

**DBA TRUCKMOVERS AND**

**TRUCKMOVERS, INDIVIDUALLY**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was sent to the following attorneys of record by e-service on this 27th day of April, 2022:

Aizar J. Karam, Jr.

KARAM LAW FIRM

1722 Pecan Avenue

McAllen, Texas 7851

Facsimile: 956-630-5702

[akaram@karamlawfirm.com](mailto:akaram@karamlawfirm.com)

/s/ Benjamin G. Kemble

Benjamin G. Kemble